



DEI 004 UTL
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tyson J. Mackjust *et al.*

Serial No.: **10/699,009**

Filed: **October 30, 2003**

For: **MENU-DRIVEN REMOTE
CONTROL TRANSMITTER**

Group Art Unit: **2612**

Examiner: **Van Thanh Trieu**

Attorney File No.: **DEI 004 UTL**

Office Action Mailed On: **8/10/2006**

**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the last decision of the Examiner, mailed on August 10, 2006, rejecting all claims of the instant application.

The fee for this Notice of Appeal is \$500.00. 37 C.F.R. § 41.20(b)(1). Applicants claim small entity status. See 37 C.F.R. § 1.27. Therefore, the fee shown above is reduced by half, and the

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 5, 2006
Date of Deposit

Anatoly S. Weiser

Name of Person Mailing Paper

Signature of Person Mailing Paper

resulting fee is \$250.00. Appeal Brief is being filed together with this Notice. The fee for filing the Appeal Brief is \$500.00. 37 C.F.R. § 41.20(b)(2). This fee is also reduced by half because of Applicants' small entity status, and the resulting fee is \$250.00. The Office Action was mailed on August 10, 2006, and set a shortened statutory period of three months for reply. This Notice of Appeal is being filed within the set period and, therefore, is timely. Applicants had previously filed another Notice of Appeal and another Appeal Brief, and paid fees therefor. Prosecution was reopened in response to the previous Appeal Brief. Applicants request that the fees paid for filing the previous Notice of Appeal and Appeal Brief be applied to the present Notice of Appeal and Appeal Brief. The fees for filing a Notice of Appeal and an Appeal Brief have not changed since filing of the previous Notice and Appeal Brief. Therefore, no additional fees are due for filing this Notice of Appeal and the attached Appeal Brief.

If the undersigned attorney is mistaken regarding time extension or any other fees, Applicants conditionally petition for an appropriate extension of time, and authorization is hereby granted to charge fees for extension of time, filing of Notice of Appeal, and filing of Appeal Brief to Deposit Account No. 041160. The Director is also authorized to charge all other fees necessary to file this paper and the attached papers to the same deposit account.

Respectfully submitted,

Dated: October 5, 2006



Anatoly S. Weiser, Reg. No. 43,229
12526 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 720-9431